

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the  
District of New Mexico

United States of America  
v.  
Jose Jeremias Torres-Lainez

Case No. 21-MJ- 806

\_\_\_\_\_  
*Defendant(s)*

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 8, 2021 in the county of Dona Ana in the  
\_\_\_\_\_  
District of New Mexico, the defendant(s) violated:

*Code Section*  
Title 18, U.S.C. 111(a)(1)

*Offense Description*  
Impeding, Resisting, and Assaulting a Federal Officer (Two Counts)

This criminal complaint is based on these facts:

See Affidavit

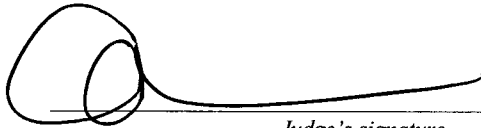
☐ Continued on the attached sheet.

David S. Gabriel  
*Complainant's signature*

Special Agent David S. Gabriel  
*Printed name and title*

Sworn to before me and signed in my presence.

Date: 6-10-21

  
*Judge's signature*

City and state: Las Cruces, New Mexico

Carmen E. Garza, U.S. Magistrate Judge  
*Printed name and title*

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, David S. Gabriel, a Special Agent with the Federal Bureau of Investigation (FBI), being duly sworn, depose and state as follows:

1. I make this affidavit in support of a criminal complaint that Jose Jeremias Torres-Lainez, born 6 February 2000 (hereafter "Torres"), forcibly assaulted, resisted, opposed, impeded, intimidated, or interfered with Border Patrol Agent Victor Lomax and Supervisory Border Patrol Agent Andres Marrufo while they were engaged in or on account of the performance of their official duties as Border Patrol Agents near the US-Mexico Border, in violation of Title 18 U.S.C. Section 111(a)(1).

2. I have been employed as a Special Agent of the FBI since May of 2018. I am classified, trained, and employed as a federal law enforcement officer with statutory arrest authority charged with conducting criminal investigations of alleged violations of federal criminal statutes, including Title 18 of the United States Code. I am currently assigned to the Albuquerque Field Office, Las Cruces Resident Agency, New Mexico. Prior to my current position, I was employed for six years as an analyst and briefer in a federal intelligence service. I am currently assigned to investigate violations of federal law, including assaults on federal officers.

3. During my tenure with the FBI, I have received formal and informal training in conducting a variety of criminal investigations. I have participated in the execution of search warrants and seized evidence of these violations, conducted surveillance, and investigated assaults on federal officers. I have conducted dozens of interviews, to include witness, subject, and victim interviews.

4. The information contained herein is based upon my own investigations as well as information supplied to me by other duly sworn law enforcement officers, and does not contain all

information known by me, only facts for consideration of probable cause.

5. On 8 June 2021, at approximately 6:45 a.m., Border Patrol Agents observed a group of suspected illegal migrants, including Torres, near the US-Mexican border. Lomax pursued Torres, identified himself, and ordered Torres to surrender. Lomax was wearing his green standard-issue border patrol uniform. As Lomax approached, Torres raised his hands in the air, although his fists were closed. As Lomax made contact with Torres to effect his arrest, Torres threw sand he was holding in his hands into Lomax's face, partially blinding him and causing damage to his eyes. Torres then ran away.

6. Shortly thereafter, Marrufo encountered Torres in the yard of a nearby home. Marrufo, also wearing his standard-issue border patrol green uniform, identified himself to Torres and told him to surrender himself. Torres refused, and when Marrufo approached Torres to effect his arrest, Torres shoved Marrufo and then struck him in the face with a closed fist. Marrufo was eventually able to subdue and detain Torres.

7. I and another FBI Special Agent, Armida MacManus, interviewed Torres on 8 June 2021 at the United States Border Patrol Santa Teresa Station. After being advised of his Miranda rights, Torres consented to an interview. During the interview, Torres admitted to throwing sand in one Agent's eyes, running away, and then punching the other Agent. Torres explained that he had assaulted the two men because he was afraid of being arrested.

8. I have spoken to both Agents and found their accounts consistent with Torres's. Additionally, I have reviewed photographs of the injuries sustained by Lomax and Marrufo, which were taken upon the Agents' return to the station with Torres in custody. I have found the photographs of their injuries to be consistent with their accounts.

9. I submit that probable cause exists to believe that that Jose Jeremias Torres-Lainez


violated Title 18 U.S.C. Section 111(a)(1), which makes it a crime for any person to Impede, Resist, and Assault a Federal Officer. I respectfully request an arrest warrant be issued for that Jose Jeremias Torres-Lainez.

Respectfully submitted,

David S. Gabriel

David S. Gabriel  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to before me this 10 day of June 2021.

  
\_\_\_\_\_  
The Honorable Carmen E. Garza  
United States Magistrate Judge